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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,226	10/28/1999	JOHN E. MEYER	P98-2369	5677

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EXAMINER	
BADERMAN, SCOTT T	

ART UNIT	PAPER NUMBER
2113	2

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/429,226	MEYER ET AL.	
	Examiner	Art Unit	
	Scott T Baderman	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 1999*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-11 and 14-24* is/are rejected.

7)☒ Claim(s) *3,12 and 13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 October 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

2. Claim 4 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

3. Claim 7 is objected to because of the following informalities: In line 2, "the user's computer" lacks antecedent basis. Appropriate correction is required.

4. Claim 8 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

5. Claim 15 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

6. Claim 19 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

7. Claim 21 is objected to because of the following informalities: In line 1, it is not clear as to which "configuration data" is being referred to. It is interpreted as referring to both the "base configuration data" and "current configuration data". Appropriate correction is required.

Allowable Subject Matter

8. Claims 3, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is indefinite in that it is not clear how "configuration data" can be "any" data.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12. Claims 1, 2, 5, 7, 8, 14-16 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau et al. (6,240,511).

As in claims 1 and 20, Blumenau discloses a method for detecting changes in a configuration of a computer system that comprises capturing base (reference) configuration data for the computer (via a configuration capture program), capturing the current configuration data, and automatically comparing the base and current configuration data (Figure 3, Abstract, column 4: lines 13-25).

As in claims 2 and 21, Blumenau discloses wherein the configuration data relates to the hardware and operating system of the computer (Figure 3, column 5: lines 20-36).

As in claim 5, Blumenau implies that the configuration capture program (diagnostic program) must be installed prior to capturing the configuration data, which is interpreted at the time the capture program is installed (Figure 3, column 5: lines 20-36).

As in claim 7, Blumenau discloses wherein the comparing is done at the user's computer (column 5: lines 11-36).

As in claim 8, Blumenau discloses wherein the configuration data captured includes information on the computer's memory (i.e., the configuration data being captured is on the computer's memory) (column 5: lines 20-29).

As in claim 14, Blumenau discloses a system for detecting changes in a configuration of a computer system, once initiated, that comprises capturing base (reference) configuration data for the computer (via a configuration capture program), capturing the current configuration data, and automatically comparing the base and current configuration data (Figure 3, Abstract, column 4: lines 13-25). Since the system is being used to overcome the problems in columns 2 and 3, it is being interpreted that they system above is servicing the computer.

As in claim 15, Blumenau discloses wherein the configuration data relates to the hardware and operating system of the computer (Figure 3, column 5: lines 20-36).

As in claim 16, Blumenau implies that the configuration capture program (diagnostic program) must be installed prior to capturing the configuration data, which is interpreted at the time the capture program is installed (Figure 3, column 5: lines 20-36). Also, the capture program captures configuration data at a second point in time (Abstract).

As in claim 22, Blumenau discloses that a configuration comparison program, as opposed to the configuration capture program (interpreted as the diagnostic program), compares the base and current configuration data (Figure 3).

As in claim 23, Blumenau implies that the configuration capture program (diagnostic program) must be installed prior to capturing the configuration data (Figure 3, column 5: lines 20-36).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 4, 6, 17, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau et al. in view of Hsu (5,974,254).

As in claims 4 and 18, Blumenau disclose the method above, specifically that the differences between the current and refer fence configuration data are stored as a text file. However, Blumenau does not disclose that the configuration data is stored as an ASCII text file. Hsu discloses that programs are developed in text-based languages, specifically ASCII text, so that it is easier to determine the differences between two programs (column 3: lines 38-65).

It would have been obvious to a person skilled in the art at the time the invention was made to include storing the configuration data as an ASCII text file into the method taught by Blumenau above. This would have been obvious because both Blumenau and Hsu are similar in that they detect differences between computer-related processes, and further that they both provide an indication of the differences. Also, being that Hsu clearly teaches that text files, specifically ASCII text, provide a benefit when keeping track of changes between the computer-related processes (column 3: lines 38-65), a person skilled in the art would have been led to include that the configuration data taught by Blumenau also be stored as an ASCII text file for the same benefit.

As in claims 6, 17 and 24, Blumenau discloses the method above, specifically providing an indication when the current configuration of the computer differs from the reference configuration (Abstract). However, Blumenau does not disclose highlighting the differences between the base and current configuration data. Hsu discloses a method for detecting

differences between two programs, wherein the detected differences are displayed by highlighting the differences by color (Abstract).

It would have been obvious to a person skilled in the art at the time the invention was made to include the process of highlighting the differences between the base and current configuration data in the method taught by Blumenau above. This would have been obvious because both Blumenau and Hsu are similar in that they detect differences between computer-related processes, and further Hsu clearly teaches that by highlighting the differences between these computer-related processes allows the user to visually distinguish the difference (column 10: lines 29-37). Since Blumenau also desires to provide an indication of the differences, a person skilled in the art would have been led to include the process of highlighting these differences for the same benefit as was taught by Hsu.

15. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau et al. in view of Burgess et al. (5,758,071).

As in claim 9, Blumenau discloses the method in claims 1 and 2 above. However, Blumenau does not disclose sending configuration data to a remote computer. Burgess discloses a method for tracking the configuration of a computer coupled to a computer network, wherein the configuration data of a first computer is automatically sent to a remote second computer (Abstract).

It would have been obvious to a person skilled in the art at the time the invention was made to include sending configuration data to a remote computer into the method taught by

Blumenau above. This would have been obvious because Blumenau teaches that an indication is provided regarding the configuration of a computer system (Abstract), and Burgess clearly teaches that this indication is valuable to network planners at remote sites (column 1: line 57 – column 2: line 17). A person skilled in the art would have been led to include the teachings of Burgess into the method taught by Blumenau above so that the network planners taught by Burgess would also be able to be provided the indication as was taught by Blumenau.

As in claim 10, since Blumenau discloses that the method is being used to overcome the problems in columns 2 and 3, it is being interpreted that they system above is servicing the computer.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blumenau et al. in view of Burgess et al., and further in view of Hsu (5,974,254).

As in claim 11, Blumenau discloses the method above, specifically providing an indication when the current configuration of the computer differs from the reference configuration (Abstract). However, Blumenau does not disclose highlighting the differences between the base and current configuration data. Hsu discloses a method for detecting differences between two programs, wherein the detected differences are displayed by highlighting the differences by color (Abstract).

It would have been obvious to a person skilled in the art at the time the invention was made to include the process of highlighting the differences between the base and current

configuration data in the method taught by Blumenau above. This would have been obvious because both Blumenau and Hsu are similar in that they detect differences between computer-related processes, and further Hsu clearly teaches that by highlighting the differences between these computer-related processes allows the user to visually distinguish the difference (column 10: lines 29-37). Since Blumenau also desires to provide an indication of the differences, a person skilled in the art would have been led to include the process of highlighting these differences for the same benefit as was taught by Hsu.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Scott T Baderman
Primary Examiner
Art Unit 2113

STB